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DEPOSITION OF LISA KRALIK HANSEN

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF KENTUCKY

3 AT LEXINGTON

4

5 REPUBLIC SERVICES, INC., )  
6 )  
7 PLAINTIFF, ) CIVIL ACTION  
8 VS. ) NO. 03-494 KSF  
9 )  
10 LIBERTY MUTUAL INSURANCE COMPANY, )  
11 LIBERTY INSURANCE ACQUISITION )  
12 CORPORATION F/K/A LIBERTY MUTUAL )  
13 FIRE INSURANCE COMPANY, LIBERTY )  
14 INSURANCE CORPORATION, LM )  
15 INSURANCE CORPORATION, THE FIRST )  
16 LIBERTY INSURANCE CORPORATION AND )  
17 HELMSMAN MANAGEMENT SERVICES, )  
18 INC., )  
19 DEFENDANTS. )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )

14

15

16 DEPOSITION OF LISA KRALIK HANSEN, TAKEN  
17 ON BEHALF OF PLAINTIFF, AT 5280 CANOGA  
18 AVENUE, SUITE 250, WOODLAND HILLS,  
19 CALIFORNIA, COMMENCING AT 10:01 A.M.,  
20 TUESDAY, AUGUST 15, 2006, BEFORE  
21 JUDY K. BOSWELL, CSR 7500.

22

23

24

25

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DEPOSITION OF LISA KRALIK HANSEN

1 APPEARANCES OF COUNSEL:

2

3 FOR THE PLAINTIFF:

4 ROXBOROUGH, POMERANCE & NYE  
5 BY: MICHAEL B. ADREANI, ESQ.  
5820 CANOGA AVENUE  
6 SUITE 250  
WOODLAND HILLS, CALIFORNIA 91367  
818.992.9999

7

-- AND --

8 MCBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC  
9 BY: BRENT L. CALDWELL, ESQ.  
201 EAST MAIN STREET  
10 SUITE 1000  
LEXINGTON, KENTUCKY 40507  
11 859.231.8780

12

FOR THE DEFENDANTS:

13 STITES & HARBISON PLLC  
14 BY: STEPHANIE RENNER GILFORD, ESQ.  
250 WEST MAIN STREET  
15 SUITE 2300  
LEXINGTON, KENTUCKY 40507  
16 859.226.2250

17

FOR THE DEPONENT:

18 PETERSON & BRADFORD, LLP  
19 BY: RONALD J. SKOCYPEC, ESQ.  
100 NORTH FIRST STREET  
20 SUITE 300  
BURBANK, CALIFORNIA 91502  
21 818.562.5800

22

23

24

25

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1 I N D E X

2 DEPONENT: EXAMINED BY: PAGE:  
3 LISA KRALIK HANSEN MR. ADREANI 5

4

5

6 EXHIBITS FOR IDENTIFICATION:

7 PLAINTIFF'S:

8 A - AFFIDAVIT OF LISA KRALIK HANSEN 9

10

QUESTIONS UNANSWERED BY DEPONENT:

11	PAGE	LINE
	7	21
12	8	5
	11	15
13	13	24
	15	19
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INFORMATION REQUESTED:

24

(NONE)

25

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DEPOSITION OF LISA KRALIK HANSEN

1 WOODLAND HILLS, CALIFORNIA

2 TUESDAY, AUGUST 15, 2006

3 10:01 A.M.

4

5 LISA KRALIK HANSEN,

6 CALLED AS A DEPONENT AND SWORN IN BY  
7 THE DEPOSITION OFFICER, WAS EXAMINED

8 AND TESTIFIED AS FOLLOWS:

9

10 DEPOSITION OFFICER: YOU DO SOLEMNLY AFFIRM THE  
11 TESTIMONY YOU MAY GIVE IN THIS MATTER SHALL BE THE TRUTH,  
12 THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH UNDER PENALTY  
13 OF PERJURY?

14 THE DEPONENT: YES.

15

16 EXAMINATION

17 BY MR. ADREANI:

18 Q. GOOD MORNING, LISA.

19 A. GOOD MORNING.

20 Q. CAN YOU JUST GIVE YOUR FULL NAME FOR THE RECORD.

21 A. LISA KRALIK HANSEN.

22 Q. IF YOU CAN SPELL IT, TOO.

23 A. KRALIK, K-R-A-L-I-K, HANSEN, H-A-N-S-E-N.

24 Q. LISA, WE KNOW EACH OTHER, OBVIOUSLY. WE WORKED  
25 TOGETHER IN THE PAST SO I'M GOING TO SKIP ALL THE

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DEPOSITION OF LISA KRALIK HANSEN

1 ADMONITIONS. I THINK THAT'S APPROPRIATE. DO YOU AGREE?

2 A. WELL, I THINK IT WOULD JUST BE HELPFUL TO MAKE  
3 SURE WE'RE ALL ON THE SAME PAGE FOR EVERYBODY IN THE ROOM.

4 Q. OKAY. YOU UNDERSTAND THAT THE OATH YOU WERE JUST  
5 ADMINISTERED IS THE SAME OATH THAT YOU WOULD BE  
6 ADMINISTERED IN A COURT OF LAW?

7 A. YES.

8 Q. IT CARRIES WITH IT THE PENALTY OF PERJURY.

9 DO YOU UNDERSTAND THAT?

10 A. YES.

11 Q. YOU UNDERSTAND THAT THERE'S A COURT REPORTER  
12 TAKING DOWN EVERYTHING WE SAY?

13 A. YES.

14 Q. IT'S IMPORTANT TO HAVE A CLEAR TRANSCRIPT. DON'T  
15 TALK OVER ME. I WON'T TALK OVER YOU.

16 DO YOU UNDERSTAND THAT?

17 A. YES.

18 Q. I'M ENTITLED TO YOUR BEST ESTIMATE AS TO EVENTS  
19 AND THINGS THAT I ASK YOU ABOUT.

20 DO YOU KNOW THE DIFFERENCE BETWEEN AN ESTIMATE  
21 AND A GUESS?

22 A. YES.

23 Q. I DON'T WANT YOU TO GUESS ABOUT ANYTHING OR  
24 SPECULATE.

25 DO YOU UNDERSTAND THAT?

DEPOSITION OF LISA KRALIK HANSEN

1 A. YES.

2 Q. IF MY QUESTIONS ARE UNCLEAR, JUST ASK ME TO  
3 CLARIFY THEM. I WILL. IF YOU ANSWER THE QUESTION, I WILL  
4 ASSUME THAT YOU UNDERSTOOD THE QUESTION.

5 DO YOU UNDERSTAND THAT?

6 A. YES.

7 Q. HAVE YOU EVER GIVEN A DEPOSITION BEFORE?

8 A. NO.

9 Q. YOU'VE TAKEN ANY NUMBER OF DEPOSITIONS?

10 A. I'VE TAKEN DEPOSITIONS, YES.

11 Q. ARE YOU REPRESENTED BY COUNSEL?

12 A. YES, I AM.

13 Q. AND WHO IS YOUR ATTORNEY?

14 A. MY ATTORNEY IS THE LAW FIRM OF PETERSON &  
15 BRADFORD.

16 Q. AND SPECIFICALLY MISTER?

17 A. MR. SKOCYPEC IS HERE TODAY.

18 Q. OTHER THAN -- WELL, YOUR CURRENT EMPLOYER IS  
19 PETERSON & BRADFORD?

20 A. YES.

21 Q. OTHER THAN THE COMPENSATION YOU RECEIVE FROM THEM  
22 AS PART OF YOUR NORMAL DUTIES, ARE YOU BEING PAID FOR YOUR  
23 DUTIES TODAY?

24 MR. SKOCYPEC: OBJECTION. ATTORNEY/CLIENT  
25 PRIVILEGE. INSTRUCT HER NOT TO ANSWER.

DEPOSITION OF LISA KRALIK HANSEN

1 BY MR. ADREANI:

2 Q. ARE YOU ACCEPTING THE INSTRUCTION OF YOUR  
3 COUNSEL?

4 A. YES, I AM.

5 Q. DO YOU HAVE ANY KIND OF DEAL WITH LIBERTY MUTUAL  
6 IN TERMS OF COMPENSATION REGARDING SHOWING UP TODAY?

7 MR. SKOCYPEC: SAME OBJECTION. SAME INSTRUCTION.

8 MR. ADREANI: I'M NOT ASKING HOW MUCH SHE'S BEING  
9 PAID. I'M ASKING IF.

10 Q. ARE YOU GOING TO ANSWER THE QUESTION?

11 MR. SKOCYPEC: IT'S THE SAME INSTRUCTION. SAME  
12 OBJECTION.

13 MR. ADREANI: I DON'T GET TO KNOW IF THE WITNESS  
14 IS BEING PAID BY A PARTY TO THIS CASE?

15 MR. SKOCYPEC: YOU DON'T GET TO KNOW IF THERE IS  
16 AN ATTORNEY/CLIENT COMMUNICATION THAT IS BETWEEN  
17 MS. HANSEN AND LIBERTY MUTUAL AND THE CONTENT OF THAT  
18 COMMUNICATION.

19 BY MR. ADREANI:

20 Q. ARE YOU NOT GOING TO ANSWER THE QUESTION WHETHER  
21 OR NOT YOU'RE BEING COMPENSATED BY LIBERTY TO BE HERE  
22 TODAY?

23 A. NO. LIBERTY MUTUAL IS MY CURRENT CLIENT.

24 Q. OKAY.

25 A. ON OTHER MATTERS.

DEPOSITION OF LISA KRALIK HANSEN

1 Q. ARE YOU REPRESENTING LIBERTY MUTUAL IN THE  
2 REPUBLIC VERSUS LIBERTY MATTER?

3 A. NO.

4 Q. DID YOU REVIEW ANY DOCUMENTS IN PREPARATION FOR  
5 THIS DEPOSITION?

6 A. YES.

7 Q. WHAT DID YOU REVIEW?

8 A. THE SUBPOENA AND MY DECLARATION.

9 Q. ANYTHING ELSE?

10 A. NO.

11 Q. DID YOU REVIEW THE MOTION TO WHICH YOUR AFFIDAVIT  
12 WAS ATTACHED?

13 A. NO.

14 Q. LET'S JUST GO AHEAD AND HAVE THIS MARKED AS THE  
15 FIRST EXHIBIT. THIS IS THE DECLARATION OR AFFIDAVIT OF  
16 LISA KRALIK HANSEN. I'LL HAVE THIS MARKED AS EXHIBIT 1  
17 BECAUSE WE'VE BEEN USING NUMBERS IN THIS CASE, ALTHOUGH  
18 THE DOCUMENT I SHOWED YOU DOES HAVE IN THE LOWER  
19 RIGHT-HAND CORNER AN EXHIBIT A, WHICH IS BECAUSE THAT WAS  
20 EXHIBIT A TO A MOTION FILED BY LIBERTY. BUT WE WILL CALL  
21 IT EXHIBIT 1 FOR THESE PURPOSES. OKAY?

22 A. (WITNESS NODS HEAD UP AND DOWN.)

23 (WHEREUPON PLAINTIFF'S EXHIBIT 1 WAS  
24 MARKED FOR IDENTIFICATION AND IS  
25 ATTACHED HERETO.)

DEPOSITION OF LISA KRALIK HANSEN

1 BY MR. ADREANI:

2 Q. IS THIS THE DOCUMENT YOU REVIEWED IN PREPARATION  
3 FOR YOUR DEPOSITION?

4 MR. SKOCYPEC: ARE YOU TALKING ABOUT ABSENT THE  
5 EXHIBIT A MARKING, I ASSUME, AND THE STUFF ON THE TOP?

6 MR. ADREANI: YEAH.

7 Q. OTHER THAN THE ELECTRONIC FILING INFORMATION ON  
8 THE TOP AND THE EXHIBIT A NOTATION, IS THIS THE  
9 DECLARATION?

10 A. IT APPEARS TO BE A COPY OF MY DECLARATION.

11 Q. IS THAT YOUR SIGNATURE ON PAGE 4?

12 A. YES, IT IS.

13 Q. OKAY. AND YOU HAD THIS DECLARATION OR AFFIDAVIT,  
14 AS THEY CALL IT, YOU SIGNED THIS ON THE 1<sup>ST</sup> OF AUGUST OF  
15 THIS YEAR?

16 A. YES, I DID.

17 Q. YOU HAD IT NOTARIZED THAT SAME DAY?

18 A. YES.

19 Q. IS THAT NOTARY SOMEONE IN YOUR OFFICE?

20 A. NO.

21 Q. WHO NOTARIZED IT? WHERE DID YOU GO TO GET THIS  
22 NOTARIZED?

23 A. A NOTARY IN BURBANK.

24 Q. NOT SOMEONE AT PETERSON & BRADFORD?

25 A. NO.

DEPOSITION OF LISA KRALIK HANSEN

1 Q. OKAY. OTHER THAN THIS DOCUMENT AND THE SUBPOENA,  
2 I BELIEVE YOU SAID YOU DIDN'T REVIEW ANY OTHER DOCUMENTS  
3 FOR YOUR DEPOSITION TODAY.

4 A. I NEED TO CLARIFY. WELL, IF DOCUMENTS INCLUDES  
5 E-MAILS, I REVIEWED AN E-MAIL SENT TO ME BY SOMEONE ELSE  
6 IN MY OFFICE IN PREPARATION FOR THIS DEPOSITION TODAY.

7 Q. OKAY. AND WHO WAS THAT E-MAIL FROM?

8 A. FROM DIANA DISKIN.

9 Q. DIANA, WHAT'S THE LAST NAME?

10 A. DISKIN, D-I-S-K-I-N.

11 Q. IS SHE AN ATTORNEY?

12 A. NO.

13 Q. WHO IS DIANA DISKIN?

14 A. SHE IS A LAW CLERK.

15 Q. AND WHAT WAS THE SUBSTANCE OF THAT E-MAIL?

16 MR. SKOCYPEC: I'M GOING TO OBJECT ON  
17 ATTORNEY/CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT  
18 GROUNDS. INSTRUCT THE WITNESS NOT TO ANSWER.

19 MR. ADREANI: ARE YOU KIDDING?

20 MR. SKOCYPEC: DOES IT SOUND LIKE I WAS KIDDING?

21 MR. ADREANI: ALL RIGHT.

22 Q. ARE YOU GOING TO ACCEPT THAT INSTRUCTION?

23 A. YES.

24 Q. WHEN WAS THAT E-MAIL SENT TO YOU?

25 A. YESTERDAY.

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DEPOSITION OF LISA KRALIK HANSEN

1 Q. OKAY. OTHER THAN THE SUBPOENA, THE DECLARATION,  
2 AND THE E-MAIL, HAVE YOU REVIEWED ANY OTHER DOCUMENTS FOR  
3 TODAY'S PROCEEDING?

4 A. I DON'T RECALL REVIEWING ANY OTHER DOCUMENTS  
5 OTHER THAN THOSE TO PREPARE FOR THIS DEPOSITION.

6 Q. OKAY. WELL, THEN, OTHER THAN TO PREPARE FOR THIS  
7 DEPOSITION, HAVE YOU REVIEWED ANY OTHER DOCUMENTS IN  
8 RELATION TO YOUR AFFIDAVIT?

9 A. YES.

10 Q. OKAY. AND WHAT DOCUMENTS DID YOU REVIEW RELATED  
11 TO THE DRAFTING OF YOUR AFFIDAVIT?

12 MR. SKOCYPEC: COUNSEL, I'M GOING TO HAVE TO HAVE  
13 A SHORT CONFERENCE WITH HER TO MAKE SURE SHE'S NOT  
14 REVEALING DOCUMENTS THAT ARE WITHIN THE ATTORNEY/CLIENT  
15 PRIVILEGE OR THE ATTORNEY WORK PRODUCT.

16 MR. ADREANI: OKAY. I TYPICALLY DON'T LIKE THESE  
17 KIND OF BREAKS WHEN QUESTIONS ARE PENDING, BUT IN THIS  
18 KIND OF CIRCUMSTANCE --

19 MR. SKOCYPEC: IT'S BETTER THAN INSTRUCTING HER  
20 NOT TO ANSWER.

21 MR. ADREANI: IT IS AND I APPRECIATE THAT AND  
22 WE'LL TAKE A BREAK.

23 OFF THE RECORD.

24 (RECESS TAKEN, FROM 10:09 TO 10:17.)

25 (WHEREUPON THE PREVIOUS QUESTION WAS

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DEPOSITION OF LISA KRALIK HANSEN

1 READ BACK BY THE DEPOSITION OFFICER AS  
2 FOLLOWS:

3 "Q AND WHAT DOCUMENTS DID YOU  
4 REVIEW RELATED TO THE DRAFTING OF YOUR  
5 AFFIDAVIT?"

6 MR. SKOCYPEC: I THINK YOU CAN ANSWER THAT ONE  
7 WITH MY OBJECTION.

8 THE DEONENT: I REVIEWED INTERNAL E-MAILS FROM  
9 OTHER PEOPLE AT THE PETERSON & BRADFORD LAW FIRM.

10 BY MR. ADREANI:

11 Q. OKAY. WHO WERE THEY FROM?

12 A. SUSAN OLSON, RON SKOCYPEC, MELODEE YEE, DIANA  
13 DISKIN, AND MY SECRETARY, LIV KIRCHOFF, K-I-R-C-H-O-F-F.

14 Q. DID YOU YOURSELF DRAFT ANY E-MAILS RELATED TO THE  
15 PREPARATION OF YOUR AFFIDAVIT?

16 A. YES.

17 Q. TO WHOM DID YOU DRAFT E-MAILS? ALL THE SAME  
18 PEOPLE?

19 A. ONE OR MORE OF THOSE SAME PEOPLE.

20 Q. WERE ANY OF THESE E-MAILS FROM SUSAN, RON,  
21 MELODEE, OR DIANA FORWARDS OF E-MAILS FROM ANYONE AT  
22 MS. GILFORD'S FIRM?

23 A. THEY MIGHT HAVE BEEN.

24 Q. OKAY. AND WHAT DID THOSE E-MAILS SAY?

25 MR. SKOCYPEC: OBJECTION. ATTORNEY/CLIENT

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1 PRIVILEGE. ATTORNEY WORK PRODUCT. INSTRUCT THE WITNESS  
2 NOT TO ANSWER.

3 MR. ADREANI: MS. GILFORD AND HER FIRM, THE  
4 STITES FIRM ARE NOT MS. HANSEN'S ATTORNEY.

5 MR. SKOCYPEC: NO. BUT THEY'RE LIBERTY'S  
6 ATTORNEYS AND WE'RE ALL LIBERTY'S ATTORNEYS IN VARIOUS  
7 MATTERS, INCLUDING MATTERS THAT YOU'RE MAKING INQUIRY OF.

8 BY MR. ADREANI:

9 Q. DID YOU PREPARE THIS AFFIDAVIT AS AN ATTORNEY FOR  
10 LIBERTY MUTUAL?

11 MR. SKOCYPEC: OBJECTION. VAGUE AND AMBIGUOUS.

12 THE DEPONENT: I MEAN, I AM CURRENTLY AN ATTORNEY  
13 FOR LIBERTY MUTUAL. THAT'S THE QUESTION.

14 BY MR. ADREANI:

15 Q. DID YOU PREPARE THIS DECLARATION IN YOUR CAPACITY  
16 AS AN ATTORNEY REPRESENTING LIBERTY MUTUAL?

17 A. I WORK AS AN ATTORNEY WHO REPRESENTS LIBERTY  
18 MUTUAL.

19 Q. THAT'S NOT MY QUESTION, LISA.

20 A. THEN I GUESS I DON'T UNDERSTAND YOUR QUESTION.

21 Q. WHEN DID YOU FIRST FIND OUT THAT YOU WERE TO DO  
22 AN AFFIDAVIT?

23 A. I DON'T KNOW THAT I EVER FOUND OUT I WAS TO DO AN  
24 AFFIDAVIT.

25 Q. WHEN DID YOU FIRST BECOME AWARE OF THE REPUBLIC

DEPOSITION OF LISA KRALIK HANSEN

1 CASE AGAINST LIBERTY MUTUAL?

2 A. IN JULY.

3 Q. WHEN IN JULY?

4 A. I DON'T RECALL THE SPECIFIC DATE. I THINK IT WAS  
5 MID JULY.

6 Q. AND HOW DID YOU COME -- HOW DID YOU BECOME AWARE  
7 OF THE CASE REPUBLIC VERSUS LIBERTY?

8 A. THROUGH SUSAN OLSON AT MY OFFICE.

9 Q. AND WAS THAT A CONVERSATION OR AN E-MAIL?

10 A. I BELIEVE IT WAS BOTH.

11 Q. ALL RIGHT. ARE YOU AWARE OF HOW MS. OLSON BECAME  
12 AWARE OF THE CASE?

13 A. I'M NOT SURE WITHOUT GUESSING.

14 Q. WAS IT FROM THE STITES FIRM?

15 A. I'M NOT SURE WITHOUT GUESSING.

16 Q. DO YOU KNOW WHETHER IT WAS SOMEONE FROM LIBERTY  
17 MUTUAL?

18 A. I'M NOT SURE WITHOUT GUESSING.

19 Q. OKAY. SO YOU BECAME AWARE THROUGH SUSAN --  
20 SOMEHOW THROUGH SUSAN OLSON IN THE MIDDLE OF JULY 2006  
21 THAT THIS CASE EXISTED. WHAT DID YOU LEARN ABOUT THE CASE  
22 AT THAT TIME?

23 MR. SKOCYPEC: OBJECTION. ATTORNEY WORK PRODUCT.  
24 ATTORNEY/CLIENT PRIVILEGE. INSTRUCT THE WITNESS NOT TO  
25 ANSWER.

DEPOSITION OF LISA KRALIK HANSEN

1 BY MR. ADREANI:

2 Q. ARE YOU GOING TO ACCEPT THAT INSTRUCTION?

3 A. YES.

4 Q. WHO ASKED YOU TO DO AN AFFIDAVIT?

5 A. I DON'T RECALL THAT I WAS ASKED TO DO AN  
6 AFFIDAVIT.

7 Q. DID YOU VOLUNTEER TO DO AN AFFIDAVIT?

8 A. I MAY HAVE.

9 Q. YOU DON'T RECALL?

10 A. I DON'T SPECIFICALLY RECALL AS I SIT HERE TODAY.

11 Q. WELL, HOW DID IT COME ABOUT THAT YOU PREPARED  
12 THIS AFFIDAVIT?

13 MR. SKOCYPEC: OBJECTION. VAGUE AND AMBIGUOUS.

14 DO YOU UNDERSTAND THAT QUESTION?

15 THE DEONENT: I BECAME AWARE OF THE REPUBLIC  
16 SERVICES LAWSUIT. I LEARNED IN JULY THAT ATTORNEY CRAIG  
17 PYNES WAS AN ATTORNEY FOR REPUBLIC SERVICES IN THIS CASE  
18 IN KENTUCKY AND I KNEW THAT CRAIG PYNES USED TO BE AN  
19 ATTORNEY WITH MY PRIOR LAW FIRM, KERN & WOOLEY, WHO WORKED  
20 SIGNIFICANTLY, IF NOT EXCLUSIVELY, ON LIBERTY MUTUAL  
21 MATTERS WHILE HE WAS EMPLOYED BY KERN & WOOLEY.

22 BY MR. ADREANI:

23 Q. AND AT SOME POINT YOU DRAFTED THIS DECLARATION?  
24 OR I ASSUME YOU DRAFTED IT. DID YOU?

25 A. I PARTICIPATED IN THE DRAFTING OF THIS DOCUMENT.

DEPOSITION OF LISA KRALIK HANSEN

1 Q. OKAY. WHEN IS -- I THINK WE'VE ALREADY  
2 ESTABLISHED YOU SIGNED IT ON AUGUST 1<sup>ST</sup>, BUT WHEN DID  
3 YOU BEGIN IN THE PARTICIPATION OF DRAFTING THIS DOCUMENT?

4 A. IT WOULD HAVE BEEN MID TO LATE JULY. I DON'T  
5 RECALL THE SPECIFIC DATE.

6 Q. IN RELATION TO THE DRAFTING OF THIS DOCUMENT, DID  
7 YOU REVIEW ANY DOCUMENTS, OTHER THAN WHAT YOU'VE ALREADY  
8 TOLD ME ABOUT, IN RELATION TO PREPARING THE DOCUMENT?

9 A. I HAVE SEEN, BECAUSE IT WAS SITTING ON MY DESK, A  
10 COPY OF THE COMPLAINT IN THE REMEDY TEMP LAWSUIT. I DID  
11 NOT REVIEW OR REREAD THAT COMPLAINT IN PREPARATION FOR THE  
12 DECLARATION.

13 Q. ANYTHING ELSE?

14 A. NO.

15 Q. YOU HAVEN'T LOOKED AT ANY DOCUMENTS RELATED TO  
16 THE REPUBLIC MATTER?

17 A. NO, I HAVE NOT.

18 Q. DID YOU EVER SEE THE MOTION FILED BY LIBERTY  
19 RELATED TO YOUR AFFIDAVIT?

20 A. I THINK I ALREADY ANSWERED THAT QUESTION, BUT NO.

21 Q. THE QUESTION BEFORE WAS WHETHER OR NOT YOU READ  
22 THAT OPPOSITION FOR THAT MOTION PREPARING FOR YOUR  
23 DEPOSITION. I'M WONDERING IF YOU'VE EVER SEEN IT. AND  
24 THE ANSWER IS NO?

25 A. NO.

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1 Q. HAVE YOU EVER BEEN PROVIDED ANY DOCUMENTATION  
2 FROM ANYBODY RELATED TO THE REPUBLIC CASE?

3 A. NO.

4 Q. YOU'VE NOT READ ANY DEPOSITIONS, FOR INSTANCE?

5 A. NO.

6 Q. OTHER THAN DOCUMENTS AND -- THE DOCUMENTS YOU'VE  
7 IDENTIFIED RELATED TO THE DRAFTING OF THIS AFFIDAVIT, DID  
8 YOU HAVE ANY CONVERSATIONS WITH ANYBODY RELATING TO THE  
9 DRAFTING OF THIS AFFIDAVIT?

10 A. YES.

11 Q. WITH WHOM?

12 A. THE SAME PEOPLE WITHIN MY LAW FIRM.

13 Q. SO THE ONLY PEOPLE YOU TALKED TO REGARDING THIS  
14 ISSUE, THIS AFFIDAVIT, WERE PETERSON & BRADFORD PEOPLE?

15 A. I HAVE ALSO SPOKEN WITH MARSHALL HIXSON.

16 Q. WHEN?

17 A. SOMETIME IN JULY SHORTLY BEFORE THE DECLARATION  
18 WAS FILED.

19 Q. AND WHAT WAS THE SUBJECT OF THAT DEPOSITION?

20 MR. SKOCYPEC: OBJECTION.

21 MR. ADREANI: MR. HIXSON IS NOT MS. HANSEN'S  
22 ATTORNEY.

23 MR. SKOCYPEC: WELL, I THINK WE WENT OVER THIS,  
24 COUNSEL. HE'S LIBERTY MUTUAL'S ATTORNEY, AS ARE WE, IN  
25 NUMEROUS CASES.

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1 MR. ADREANI: MR. HIXSON IS NOT MS. HANSEN'S  
2 ATTORNEY.

3 MR. SKOCYPEC: COUNSEL, IT DOESN'T MATTER.

4 MR. ADREANI: OKAY. YOU'RE GOING TO SUBMIT A  
5 DECLARATION AND NOT TESTIFY ABOUT HOW THIS DECLARATION  
6 CAME TO BE BECAUSE IT'S SHIELDED BY ATTORNEY/CLIENT? YOU  
7 CAN'T HAVE IT BOTH WAYS, COUNSEL.

8 MR. SKOCYPEC: WELL, COUNSEL, YOU HAVEN'T ASKED  
9 ABOUT ANY OF THE SUBSTANCE OF THIS DECLARATION WHATSOEVER  
10 YET. YOU'RE ASKING PERIPHERAL QUESTIONS REGARDING --  
11 THEY'RE MEANINGLESS QUESTIONS. IF YOU ASK SOMETHING ABOUT  
12 THE DECLARATION AND THE CONTENT OF THE DECLARATION, THE  
13 WITNESS IS HERE TO TESTIFY ABOUT IT.

14 MR. ADREANI: I HAVE EVERY RIGHT TO ASK THIS  
15 WITNESS ABOUT HOW THIS DECLARATION CAME TO BE, ABOUT THE  
16 WITNESS'S BIASES, ABOUT THE WITNESS'S CONVERSATIONS  
17 RELATED TO THE DRAFTING OF THIS DOCUMENT.

18 Q. MS. HANSEN, HOW MANY DRAFTS OF THIS DOCUMENT WERE  
19 THERE?

20 A. TWO OR THREE, TO THE BEST OF MY RECOLLECTION.

21 Q. AND WITH WHOM DID YOU EXCHANGE THESE DRAFTS?

22 MR. SKOCYPEC: OBJECTION. LACK OF FOUNDATION.

23 BY MR. ADREANI:

24 Q. MS. HANSEN, YOU SAID EARLIER THAT YOU  
25 PARTICIPATED IN DRAFTING THIS DECLARATION; RIGHT?

DEPOSITION OF LISA KRALIK HANSEN

1 A. CORRECT.

2 Q. WHO ELSE PARTICIPATED IN DRAFTING THIS  
3 DECLARATION?

4 A. MY SECRETARY.

5 Q. LIV?

6 A. YES.

7 Q. ANYONE ELSE?

8 A. SUSAN OLSON, MR. SKOCYPEC.

9 Q. MR. HIXSON?

10 A. I DON'T KNOW.

11 Q. YOU DON'T KNOW IF -- WELL, OKAY. YOU YOURSELF,  
12 LIV, SUSAN OLSON, AND RON PARTICIPATED IN DRAFTING THIS  
13 DECLARATION. ANYONE ELSE?

14 A. OUR LAW CLERK, DIANA DISKIN, MAY HAVE ALSO. SHE  
15 WOULDN'T HAVE DRAFTED THE DECLARATION, BUT SHE HELPED IN  
16 THE PROCESS.

17 Q. CAN YOU BE MORE SPECIFIC?

18 A. ABOUT WHAT?

19 Q. OTHER THAN THE PEOPLE YOU MENTIONED, DID ANYONE  
20 ELSE PARTICIPATE IN THE DRAFTING OF THIS DECLARATION?

21 A. I RECEIVED A CAPTION, I BELIEVE, FROM MR. HIXSON  
22 FOR THIS KENTUCKY LAWSUIT, AND MAY HAVE BEEN A SKELETON  
23 DECLARATION WITH SOME OF THE BEGINNING LANGUAGE AND THE  
24 NOTARY LANGUAGE.

25 Q. OTHER THAN MR. HIXSON AND THE PEOPLE YOU

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DEPOSITION OF LISA KRALIK HANSEN

1 MENTIONED FROM YOUR FIRM, DID ANYONE ELSE PARTICIPATE IN  
2 THE DRAFTING OF THIS DECLARATION?

3 MR. SKOCYPEC: COUNSEL, YOU KEEP REFERRING TO  
4 THIS AS A DECLARATION. I HAVE NOT BEEN OBJECTING.

5 OBVIOUSLY IT'S NOT A DECLARATION. IT'S AN AFFIDAVIT. BUT  
6 IF YOU WANT US TO REFER TO IT AS THE DECLARATION, THAT'S  
7 FINE.

8 MR. ADREANI: WHY DON'T WE AGREE THAT WHEN I TALK  
9 ABOUT THE DECLARATION OR THE AFFIDAVIT, WE'RE REFERRING TO  
10 EXHIBIT 1.

11 MR. SKOCYPEC: THAT'S FINE.

12 THE DEPONENT: ANYONE ELSE? NO.

13 BY MR. ADREANI:

14 Q. DID YOU EVER RUN THIS BY ANYONE AT LIBERTY?

15 A. DID I? NO.

16 Q. DID ANYONE?

17 A. I DON'T KNOW.

18 Q. SO IT'S POSSIBLE THAT SUSAN OR RON DID; RIGHT?

19 A. ANYTHING'S POSSIBLE.

20 Q. OKAY. AND DID YOU EVER -- WELL, SOME OF THIS  
21 LANGUAGE IN THE DECLARATION DIDN'T COME FROM YOU, DID IT?  
22 I MEAN, SOMEONE AT THE STITES FIRM HAD SOMETHING TO DO  
23 WITH THE LANGUAGE IN THIS DECLARATION; RIGHT?

24 A. SOME OF IT. SOME OF THE INTRODUCTORY, "COMES THE  
25 AFFIANT," MY NAME.

DEPOSITION OF LISA KRALIK HANSEN

1 Q. DID ANYONE AT THE STITES FIRM REVISE THIS, REVISE  
2 THE LANGUAGE IN THIS?

3 A. NO.

4 Q. FOR INSTANCE, IF YOU LOOK AT PAGE 2 OF THE  
5 AFFIDAVIT AT PARAGRAPH 6, AT THE VERY BOTTOM THERE YOU SAY  
6 MS. GICHTIN WORKED EXTENSIVELY ON LITIGATION STYLED REMEDY  
7 TEMP VERSUS LIBERTY. DO YOU SEE THAT?

8 A. YES.

9 Q. "STYLE," THAT'S NOT A WORD WE USE HERE. SOMEONE  
10 FROM KENTUCKY WROTE THAT; RIGHT?

11 MR. SKOCYPEC: OBJECTION. ARGUMENTATIVE.

12 BY MR. ADREANI:

13 Q. WELL, ISN'T IT TRUE?

14 MR. SKOCYPEC: COUNSEL, I GUESS YOU HAVEN'T BEEN  
15 PRACTICING LAW LONG ENOUGH IN CALIFORNIA. IT HAPPENS ALL  
16 THE TIME. BUT IT'S ARGUMENTATIVE. THAT WORD IS NOT  
17 UNIQUE. IT'S AN ARGUMENTATIVE QUESTION. AND IF YOU'VE  
18 BEEN AROUND LONG ENOUGH, YOU'D KNOW THAT PEOPLE USE  
19 "STYLED."

20 MR. ADREANI: WELL, RON, I'VE BEEN PRACTICING  
21 LONG ENOUGH TO KNOW THAT IN A FEDERAL COURT CASE, YOU CAN  
22 OBJECT TO THE FORM OF THE QUESTION AND KEEP THE COMMENTARY  
23 TO YOURSELF.

24 THE DEPONENT: IS THE WORD "STYLED" -- THAT IS  
25 NOT MY WORD. I DON'T KNOW WHOSE WORD IT IS.

DEPOSITION OF LISA KRALIK HANSEN

1 BY MR. ADREANI:

2 Q. OKAY. SO WHO IN KENTUCKY AT THE STITES FIRM  
3 HELPED YOU DRAFT THIS DECLARATION?

4 MR. SKOCYPEC: OBJECTION. LACK OF FOUNDATION.

5 BY MR. ADREANI:

6 Q. WAS IT MR. HIXSON?

7 MR. SKOCYPEC: OBJECTION. LACK OF FOUNDATION.

8 MR. ADREANI: THOSE ARE ALL FORM OBJECTIONS, BY  
9 THE WAY, RON. ALL YOU NEED TO SAY IS "OBJECT TO FORM."

10 THE DEONENT: NO ONE HELPED ME DRAFT THE  
11 DECLARATION. I PREVIOUSLY TESTIFIED THAT THERE WAS SOME  
12 BARE BONES LANGUAGE IN THE DECLARATION AND THAT WOULD HAVE  
13 INCLUDED "COMES THE AFFIANT" LANGUAGE AT THE VERY  
14 BEGINNING, PART OF PARAGRAPH THREE, I RECALL PART OF  
15 PARAGRAPH FIVE, MAYBE PART OF PARAGRAPH SIX, TO THE BEST  
16 OF MY RECOLLECTION, THE ENDING SENTENCE, "FURTHER AFFIANT  
17 SAYETH NOT," I MEAN, THE FORM OF THE AFFIDAVIT.

18 BY MR. ADREANI:

19 Q. UH-HUH. I UNDERSTAND.

20 AND ALL OF THOSE THINGS THAT YOU'RE IDENTIFYING,  
21 THE PORTIONS THAT YOU JUST IDENTIFIED WERE -- IT WAS THE  
22 STITES FIRM OR MR. HIXSON IN PARTICULAR WHO WAS  
23 PARTICIPATING IN THE DRAFTING ON THAT LEVEL?

24 A. I RECEIVED A BARE BONES -- WHAT I RECALL, A BARE  
25 BONES AFFIDAVIT AND I DRAFTED THE CONTENTS OF THE

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DEPOSITION OF LISA KRALIK HANSEN

1 DECLARATION AND REVISED THE DOCUMENT IN MY OFFICE.

2 Q. OKAY.

3 A. AND CREATED THE DOCUMENT IN MY OFFICE.

4 Q. OKAY. AND TO THE EXTENT YOU DRAFTED PORTIONS OF  
5 THIS, WAS THAT REVISED AT ALL BY ANYBODY?

6 A. REVISIONS WERE MADE BY MYSELF TO MY OWN DRAFT.

7 MY SECRETARY DID REVISIONS. I DON'T BELIEVE -- OTHER  
8 PEOPLE IN MY OFFICE LOOKED AT THE DOCUMENT, BUT I DON'T  
9 BELIEVE ANYBODY ELSE IN MY OFFICE, WITH THE EXCEPTION OF,  
10 PERHAPS, MR. SKOCYPEC, MADE REVISIONS.

11 Q. AND JUST SO I UNDERSTAND THE TIMEFRAME, YOU FOUND  
12 OUT ABOUT THIS SOMETIME IN THE MIDDLE OF JULY AND YOU  
13 SIGNED YOUR AFFIDAVIT ON AUGUST 1<sup>ST</sup>; RIGHT?

14 A. CORRECT.

15 Q. SO IN THE MEANTIME, THE DRAFTING TOOK PLACE AT  
16 THAT LAST PART OF JULY?

17 A. I DON'T RECALL WHEN MY DRAFTING AND MY ACTUAL  
18 WORK ON THE DECLARATION STARTED AS OPPOSED TO WHEN I FOUND  
19 OUT ABOUT THE KENTUCKY LAWSUIT. IT DID NOT START  
20 IMMEDIATELY ONCE I FOUND OUT ABOUT THE LAWSUIT.

21 Q. HAVE YOU EVER TALKED TO MR. HIXSON?

22 A. YES.

23 Q. AND WHEN WAS THAT?

24 A. ONCE OR TWICE IN JULY. I BELIEVE TWICE IN JULY.

25 Q. WHAT DID YOU DISCUSS?

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DEPOSITION OF LISA KRALIK HANSEN

1 MR. SKOCYPEC: OBJECTION. ATTORNEY/CLIENT  
2 PRIVILEGE. ATTORNEY WORK PRODUCT. INSTRUCT THE WITNESS  
3 NOT TO ANSWER.  
4 BY MR. ADREANI:

5 Q. ARE YOU ACCEPTING THE INSTRUCTION?

6 A. YES.

7 Q. DID YOU DISCUSS THIS MATTER, AND I MEAN THAT  
8 GENERALLY, THE AFFIDAVIT, YOUR DEPOSITION WITH ANYBODY AT  
9 LIBERTY MUTUAL, INCLUDING HOUSE COUNSEL?

10 A. YES.

11 Q. WHO?

12 A. BILL CUPELO.

13 Q. AND WHEN DID YOU SPEAK TO MR. CUPELO?

14 A. I DON'T RECALL THE DATE, DATES.

15 Q. WELL, CAN WE NARROW IT DOWN TO SOMETIME BETWEEN  
16 THE MIDDLE OF JULY AND AUGUST 1<sup>ST</sup>?

17 A. I WOULD HAVE HAD DISCUSSIONS WITH MR. CUPELO  
18 ABOUT THE KENTUCKY LAWSUIT IN THAT TIMEFRAME, YES.

19 Q. OKAY. IS IT LIMITED TO THAT TIMEFRAME?

20 A. NO.

21 Q. ABOUT THE KENTUCKY LAWSUIT HAVE YOU TALKED TO HIM  
22 MORE RECENTLY THAN THAT?

23 A. YES.

24 Q. OKAY. WHEN DID YOU LAST SPEAK WITH MR. CUPELO  
25 ABOUT THE KENTUCKY LAWSUIT, THIS DECLARATION, OR YOUR

DEPOSITION OF LISA KRALIK HANSEN

1 DEPOSITION?

2 A. I BELIEVE IT WAS AUGUST 3<sup>RD</sup> UPON MY RECEIPT OF  
3 THE DEPOSITION SUBPOENA.

4 Q. WHAT DID YOU DISCUSS WITH MR. CUPELO?

5 MR. SKOCYPEC: OBJECTION. ATTORNEY/CLIENT  
6 PRIVILEGE. ATTORNEY WORK PRODUCT. INSTRUCT THE WITNESS  
7 NOT TO ANSWER.

8 BY MR. ADREANI:

9 Q. ARE YOU ACCEPTING THE INSTRUCTION?

10 A. YES.

11 Q. OKAY. PRIOR TO AUGUST 3<sup>RD</sup>, WHAT WERE YOUR  
12 DISCUSSIONS -- WHAT WAS THE CONTEXT OF YOUR -- OR I'M  
13 SORRY. WHAT WAS THE CONTEXT OF YOUR DISCUSSIONS WITH  
14 MR. CUPELO?

15 MR. SKOCYPEC: OBJECTION. ATTORNEY CLIENT  
16 PRIVILEGE. ATTORNEY WORK PRODUCT. INSTRUCT THE WITNESS  
17 NOT TO ANSWER.

18 BY MR. ADREANI:

19 Q. AGAIN, I'M SPEAKING RELATED ONLY TO THIS  
20 DECLARATION THAT YOU GAVE TO THE KENTUCKY LAWSUIT,  
21 REPUBLIC VERSUS LIBERTY, AND YOUR DEPOSITION TODAY.

22 SAME OBJECTION? SAME INSTRUCTION?

23 MR. SKOCYPEC: YES, COUNSEL.

24 BY MR. ADREANI:

25 Q. YOU ACCEPT?

DEPOSITION OF LISA KRALIK HANSEN

1 A. YES.

2 Q. OKAY. OTHER THAN MR. HIXSON AND MR. CUPELO, HAVE  
3 YOU SPOKEN TO ANYONE ELSE FROM THE STITES & HARBISON FIRM  
4 ABOUT YOUR DECLARATION, THE KENTUCKY LAWSUIT, OR YOUR  
5 DEPOSITION TODAY?

6 A. UPON MY RECEIPT OF THE DEPOSITION SUBPOENA, I  
7 SPOKE WITH MR. HIXSON, AND I BELIEVE THERE WAS ANOTHER  
8 GENTLEMAN ALSO ON THE PHONE FROM HIS OFFICE THERE, I DON'T  
9 KNOW THE NAME OF THAT PERSON, WHEN WE WERE SPEAKING.

10 Q. WAS IT MR. KELLER?

11 A. I DON'T KNOW.

12 Q. OKAY. MR. PARSONS?

13 A. I DON'T KNOW.

14 Q. OKAY. AND WHAT DID YOU DISCUSS ON THAT CALL?

15 MR. SKOCYPEC: OBJECTION. ATTORNEY/CLIENT  
16 PRIVILEGE. ATTORNEY WORK PRODUCT. INSTRUCT THE WITNESS  
17 NOT TO ANSWER.

18 BY MR. ADREANI:

19 Q. DO YOU ACCEPT?

20 A. YES.

21 Q. WHY DID YOU DO THIS AFFIDAVIT?

22 MR. SKOCYPEC: OBJECTION. WORK PRODUCT.  
23 INSTRUCT THE WITNESS NOT TO ANSWER.

24 BY MR. ADREANI:

25 Q. DO YOU ACCEPT THAT INSTRUCTION?

DEPOSITION OF LISA KRALIK HANSEN

1 A. YEAH.

2 MR. ADREANI: I DON'T GET TO KNOW WHY SHE DID  
3 THIS AFFIDAVIT? THAT'S FINE IF THAT'S THE INSTRUCTION.

4 MR. SKOCYPEC: YEAH.

5 MR. ADREANI: OKAY.

6 MR. SKOCYPEC: I DON'T SEE HOW THAT'S NOT WORK  
7 PRODUCT.

8 MR. ADREANI: WELL --

9 MR. SKOCYPEC: IT'S CERTAINLY HER THOUGHT  
10 PROCESS.

11 MR. ADREANI: I'M PRETTY SURE OUR JUDGE IN  
12 KENTUCKY WILL BE INTERESTED IN THAT ANSWER.

13 Q. LET'S LOOK AT THE AFFIDAVIT.

14 BY THE WAY, DO YOU HAVE A CONFIDENTIALITY  
15 AGREEMENT WITH KERN & WOOLEY?

16 MR. SKOCYPEC: OBJECTION. VAGUE AND AMBIGUOUS.

17 THE DEPONENT: I DON'T KNOW WHAT YOU MEAN BY  
18 "CONFIDENTIALITY AGREEMENT" WITH MY FORMER LAW FIRM. I  
19 MEAN, THERE'S ETHICS RULES AND -- THAT APPLY, I BELIEVE,  
20 IRRESPECTIVE OF CONFIDENTIALITY AGREEMENT.

21 BY MR. ADREANI:

22 Q. DID YOU EVER SIGN OFF ON A CONFIDENTIALITY  
23 AGREEMENT IN CONJUNCTION WITH YOUR EMPLOYMENT AT KERN &  
24 WOOLEY?

25 MR. SKOCYPEC: SAME OBJECTION. VAGUE AND

DEPOSITION OF LISA KRALIK HANSEN

1 AMBIGUOUS.

2 THE DEONENT: I DON'T RECALL DOING SO.

3 BY MR. ADREANI:

4 Q. SO I ASSUME THAT YOU HAVEN'T OBTAINED ANY WAIVERS  
5 FROM KERN & WOOLEY WITH REGARD TO YOUR AFFIDAVIT OR YOUR  
6 TESTIMONY TODAY.

7 A. TO MY KNOWLEDGE THERE IS NO WAIVER OF ANY  
8 ATTORNEY/CLIENT PRIVILEGE OR ANY WORK PRODUCT PROTECTION.

9 Q. THAT'S NOT WHAT I'M ASKING ABOUT. I'M ASKING  
10 ABOUT WAIVERS OF AGREEMENTS THAT YOU HAVE, IF ANY, WITH  
11 KERN & WOOLEY.

12 A. I DON'T KNOW THAT I HAVE ANY AGREEMENTS, ANY  
13 WRITTEN AGREEMENTS WITH KERN & WOOLEY.

14 Q. SO IN PREPARING THIS AFFIDAVIT AND GIVING  
15 TESTIMONY TODAY, YOU DIDN'T SEEK ANY WAIVER FROM KERN &  
16 WOOLEY AS TO ANY AGREEMENT THAT YOU MIGHT HAVE HAD WITH  
17 THEM?

18 MR. SKOCYPEC: OBJECTION TO THE FORM OF THE  
19 QUESTION.

20 BY MR. ADREANI:

21 Q. RIGHT?

22 A. I CAN'T SEEK A WAIVER IF AN AGREEMENT DOESN'T  
23 EXIST. I'M NOT AWARE OF ANY CONFIDENTIALITY AGREEMENT  
24 THAT EXISTS.

25 Q. SO YOU DIDN'T SEEK A WAIVER OF ANYTHING; RIGHT?

DEPOSITION OF LISA KRALIK HANSEN

1 MR. SKOCYPEC: COUNSEL, YOU'RE BADGERING THE  
2 WITNESS NOW. THAT'S JUST BADGERING. HOW CAN YOU SEEK A  
3 WAIVER FOR SOMETHING THAT DOESN'T EXIST?

4 MR. ADREANI: SHE DIDN'T SAY IT DIDN'T EXIST,  
5 RON.

6 MR. SKOCYPEC: LET'S GO ON WITH REAL QUESTIONING,  
7 COUNSEL.

8 MR. ADREANI: SHE DIDN'T SAY IT DIDN'T EXIST.  
9 SHE SAID SHE DIDN'T KNOW.

10 Q. SO OBVIOUSLY YOU DIDN'T GET ANY WAIVERS AT ALL;  
11 RIGHT? SINCE THE MIDDLE OF JULY WHEN YOU FOUND OUT ABOUT  
12 THIS, HAVE YOU GONE TO KERN & WOOLEY AND ASKED FOR ANY  
13 WAIVERS FOR ANYTHING?

14 A. NO.

15 Q. WHEN DID MR. PYNES START AT KERN & WOOLEY?

16 A. TO THE BEST OF MY RECOLLECTION, IT WAS IN AUGUST  
17 OF 2003.

18 Q. HE ONLY WORKED THERE ABOUT EIGHT MONTHS; RIGHT?

19 A. APPROXIMATELY, YES.

20 Q. AND YOU WERE ONE OF HIS SUPERVISORS?

21 A. I WAS ONE OF THE SUPERVISING ATTORNEYS IN THE  
22 PRACTICE GROUP IN WHICH HE WORKED.

23 Q. AND WHO COMPRISED THAT PRACTICE GROUP AT THAT  
24 TIME?

25 LET ME ASK A BETTER QUESTION, LISA. SORRY.

DEPOSITION OF LISA KRALIK HANSEN

1 HOW MANY ATTORNEYS WERE IN THAT PRACTICE GROUP AT  
2 THAT TIME WHEN MR. PYNES JOINED YOU?

3 A. GIVE ME A MINUTE.

4 TO THE BEST OF MY RECOLLECTION, SIX TO EIGHT.

5 Q. AND THAT INCLUDED MR. SKOCYPEC?

6 A. I'M SORRY IF I GOT YOUR NAME WRONG, RON.

7 Q. THAT INCLUDED RON?

8 A. YES.

9 Q. AND SUSAN?

10 A. YES.

11 Q. AND MELODEE?

12 A. YES.

13 Q. IN YOUR DECLARATION IN PARAGRAPH 4, PAGE 2, THIS  
14 IS THE ONLY PARAGRAPH IN HERE REGARDING MR. PYNES; RIGHT?

15 A. OTHER THAN PARAGRAPH 3?

16 Q. THANK YOU. YES.

17 A. YES, PARAGRAPH 4.

18 Q. YOU SAY THAT MR. PYNES WORKED ALMOST EXCLUSIVELY  
19 ON MATTERS FOR LIBERTY MUTUAL GROUP OF COMPANIES. WHAT  
20 OTHER CLIENTS DID HE WORK FOR?

21 A. WHAT OTHER CLIENTS DID HE WORK FOR?

22 MR. SKOCYPEC: OBJECTION. ATTORNEY/CLIENT  
23 PRIVILEGE. ATTORNEY WORK PRODUCT, EXCEPT TO THE EXTENT HE  
24 MAY HAVE PUBLICLY MADE AN APPEARANCE IN A CASE. SO IF WE  
25 CAN AT LEAST RESTRICT IT TO THAT, SHE CAN ANSWER, BUT

DEPOSITION OF LISA KRALIK HANSEN

1 OTHERWISE SHE'S INSTRUCTED NOT TO ANSWER.

2 MR. ADREANI: ALL RIGHT.

3 THE DEONENT: TO THE BEST OF MY RECOLLECTION,  
4 I'M NOT AWARE OF MR. PYNES WORKING ON MATTERS FOR CLIENTS  
5 OTHER THAN A LIBERTY MUTUAL GROUP OF COMPANIES.

6 MR. SKOCYPEC: SO MUCH FOR MY OBJECTION.

7 MR. ADREANI: IT WAS WELL STATED, THOUGH, RON.

8 MR. CALDWELL: VERY WELL STATED.

9 BY MR. ADREANI:

10 Q. YOU HAVE HERE SOME AREAS WHERE MR. PYNES WORKED,  
11 INCLUDING COVERAGE, DEFENSIVE BAD FAITH, BREACH OF  
12 CONTRACT, IMPLIED COVENANT, AND FRAUD; RIGHT?

13 A. THAT'S WHAT IT SAYS.

14 Q. WELL, THAT'S ALSO YOUR RECOLLECTION; RIGHT?

15 A. AS I SIT HERE TODAY OR AS OF THE TIME I SIGNED  
16 THE DECLARATION?

17 Q. MR. PYNES NEVER WORKED ON ANY OF THOSE CASES WITH  
18 REGARD TO WORKERS' COMPENSATION BAD FAITH, DID HE?

19 A. YES, HE DID.

20 Q. WHAT CASE WAS THAT?

21 A. TONY'S FINE FOODS VERSUS LIBERTY MUTUAL, I  
22 BELIEVE, IS THE CAPTION OF THE CASE.

23 Q. WHAT OTHER CASE DID HE WORK ON? THAT WAS THE  
24 ONLY ONE?

25 A. WHAT DO YOU MEAN BY "OTHER CASE"?

DEPOSITION OF LISA KRALIK HANSEN

1 Q. WELL, WE'LL GET TO THE TONY'S FINE FOOD VERSUS  
2 LIBERTY. BUT THE QUESTION WAS THAT MR. PYNES DIDN'T WORK  
3 ON ANY CASE INVOLVING WORKERS' COMPENSATION BAD FAITH.  
4 AND YOU SAID THAT'S NOT TRUE; RIGHT?

5 A. CORRECT.

6 Q. YOU'VE GIVEN ME ONE NAME OF ONE CASE. WHAT ELSE?

7 A. OTHER WORKERS' COMPENSATION RELATED CASE FOR  
8 LIBERTY MUTUAL?

9 Q. I SAID WORKERS' COMPENSATION BAD FAITH CASES.

10 A. TO THE BEST OF MY RECOLLECTION, THAT TONY'S FINE  
11 FOODS IS THE ONLY WORKERS' COMPENSATION BAD FAITH CASE  
12 THAT MR. PYNES WORKED ON.

13 Q. OTHER THAN THAT, MR. PYNES WORKED ON OTHER LINES  
14 OF INSURANCE; RIGHT?

15 A. YES.

16 Q. OKAY. ON TONY'S FINE FOODS, MR. PYNES -- HE  
17 WORKED WHAT? THREE HOURS ON THAT CASE?

18 A. I DON'T KNOW THE HOURS SPENT.

19 Q. WELL, HOW DO YOU KNOW HE WORKED ON IT?

20 A. IN DISCUSSIONS WITH OTHER PEOPLE IN MY OFFICE TO  
21 PREPARE FOR TODAY'S DEPOSITION, MY RECOLLECTION WAS  
22 REFRESHED THAT ONE OF THE CASES THAT MR. PYNES WORKED ON  
23 WHILE AT KERN & WOOLEY WAS TONY'S FINE FOODS. AND I WAS  
24 ALSO MADE AWARE THAT HE WAS ASSIGNED A DOCUMENT REVIEW, A  
25 PRIVILEGE REVIEW, AND PREPARATION OF A PRIVILEGE LOG.

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DEPOSITION OF LISA KRALIK HANSEN

1 AND UPON MY RECOLLECTION BEING SO REFRESHED, I  
2 HAVE NOW A SPECIFIC RECALL THAT MR. PYNES HAD ASKED ME  
3 PERSONALLY A FEW QUESTIONS, EITHER IN THE PROCESS OF THE  
4 DOCUMENT REVIEW, THE PRIVILEGE REVIEW, OR PREPARATION OF  
5 THE PRIVILEGE LOG.

6 Q. DO YOU RECALL EXACTLY WHAT MR. PYNES DID ON THAT  
7 CASE?

8 A. I BELIEVE THAT HE REVIEWED LIBERTY MUTUAL  
9 WORKERS' COMPENSATION CLAIMS FILES, CONDUCTED A PRIVILEGE  
10 REVIEW, MADE A LEGAL DETERMINATION OF WHAT DOCUMENTS WERE  
11 PRIVILEGED, PROTECTED OR OTHERWISE IMMUNE FROM DISCOVERY,  
12 AND THAT HE DRAFTED A PRIVILEGE LOG.

13 Q. HE JUST LOOKED AT CLAIM FILES; RIGHT? FOR LESS  
14 THAN HALF A DAY?

15 A. I DON'T KNOW HOW LONG HE SPENT. I DON'T HAVE  
16 ACCESS TO TIME RECORDS. I DON'T KNOW HOW LONG IT TOOK HIM  
17 TO DO THE REVIEW I PREVIOUSLY TESTIFIED ABOUT IN  
18 PREPARATION.

19 Q. YOU DON'T HAVE ANY REASON TO THINK HE SPENT MORE  
20 THAN THAT AMOUNT OF TIME, DO YOU?

21 A. I DON'T KNOW HOW MUCH TIME HE SPENT. I DON'T  
22 KNOW HOW MANY CLAIM FILES THERE WERE OR THE VOLUME OF THE  
23 CLAIM FILES HE WAS REVIEWING.

24 Q. SO YOU DON'T HAVE ANY REASON TO THINK HE SPENT  
25 ANY MORE THAN THAT AMOUNT OF TIME?

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1 A. I DON'T KNOW WHAT AMOUNT OF TIME HE SPENT.

2 Q. AND YOU DON'T HAVE ANY REASON TO BELIEVE THAT HIS  
3 REVIEW OF DOCUMENTS WAS SIMPLY LIMITED TO LOOKING AT CLAIM  
4 FILES; RIGHT?

5 A. CAN YOU READ THAT BACK?

6 (WHEREUPON THE PREVIOUS QUESTION WAS

7 READ BACK BY THE DEPOSITION OFFICER.)

8 THE DEPONENT: I'M KIND OF CONFUSED BY YOUR  
9 QUESTION, MICHAEL, BUT I BELIEVE THAT HIS WORK ON TONY'S  
10 FINE FOODS WAS AS I'VE TESTIFIED.

11 BY MR. ADREANI:

12 Q. MR. PYNES NEVER MADE AN APPEARANCE IN THAT CASE,  
13 DID HE?

14 A. NOT TO MY KNOWLEDGE.

15 Q. MR. PYNES NEVER MET THE CLIENT IN THAT CASE, DID  
16 HE?

17 A. I HAVE NO IDEA.

18 Q. MR. PYNES NEVER SAW A CLAIMS MANUAL IN THAT CASE,  
19 DID HE?

20 A. I DON'T KNOW WHAT HE SAW OR DID NOT SEE IN  
21 CONNECTION WITH THE WORK HE WAS ASSIGNED TO DO ON THAT  
22 CASE.

23 Q. MR. PYNES NEVER SAW A CLAIMS MANUAL WITH REGARD  
24 TO WORKERS' COMPENSATION, DID HE?

25 A. HE HAD ACCESS TO THEM.

DEPOSITION OF LISA KRALIK HANSEN

1 Q. THAT'S NOT MY QUESTION.

2 A. I DON'T KNOW. I DON'T KNOW WHAT MR. PYNES SAW OR  
3 DIDN'T SAW OR REVIEWED OR DIDN'T REVIEW WHILE HE WAS  
4 EMPLOYED BY KERN & WOOLEY IN --

5 Q. WELL, THAT'S NOT WHAT YOUR DECLARATION SAYS,  
6 LISA.

7 A. NO. I NEED TO CLARIFY THAT ANSWER. I KNOW WHAT  
8 MR. PYNES WORKED ON, WHAT HE DID, GENERAL AWARENESS OF THE  
9 WORK HE WAS ASSIGNED TO DO AND THE WORK THAT HE ACTUALLY  
10 DID ON LIBERTY MUTUAL FILES WHILE EMPLOYED AT KERN &  
11 WOOLEY.

12 WHAT HE LOOKED AT IN TERMS OF THE COMPUTER  
13 SYSTEM, THE OVERALL FILE MATERIALS, AND GENERAL  
14 INFORMATION WE HAVE PERTAINING TO THE LIBERTY MUTUAL GROUP  
15 OF COMPANIES THAT WAS IN THE POSSESSION OF KERN & WOOLEY,  
16 I DON'T KNOW WHAT HE DID OR DID NOT LOOK AT BEYOND HIS  
17 SPECIFIC WORK ON SPECIFIC CASES.

18 Q. SO YOU HAVE NO REASON TO THINK THAT HE EVER SAW A  
19 WORKERS' COMPENSATION CLAIMS MANUAL; RIGHT?

20 MR. SKOCYPEC: OBJECTION TO THE FORM OF THE  
21 QUESTION. ARGUMENTATIVE.

22 THE DEPONENT: THEY WERE IN OUR OFFICE AT THAT  
23 POINT IN TIME AND I -- ALL I CAN TESTIFY TO IS THAT THEY  
24 WOULD HAVE BEEN IN OUR OFFICE AT THAT TIME BECAUSE WE HAD  
25 WORKERS' COMPENSATION BAD FAITH CASES IN OUR OFFICE AT

DEPOSITION OF LISA KRALIK HANSEN

1 THAT POINT IN TIME AND MR. PYNES HAD ACCESS TO THEM.

2 BY MR. ADREANI:

3 Q. HE DIDN'T WORK ON THOSE CASES; RIGHT? OTHER THAN  
4 THE CLAIM REVIEW THAT YOU MENTIONED?

5 A. HE WORKED ON TONY'S FINE FOODS.

6 Q. OTHER THAN THE CLAIM REVIEW THAT HE WORKED ON IN  
7 THAT ONE CASE, HE DIDN'T WORK ON THOSE CASES, DID HE?

8 MR. SKOCYPEC: OBJECTION TO THE FORM OF THE  
9 QUESTION.

10 THE DEPONENT: WELL, COUNSEL, JUST BECAUSE  
11 SOMEONE THAT DOESN'T WORK ON A PARTICULAR CASE DOESN'T  
12 MEAN THAT A LAWYER IS GOING TO DO A THOROUGH JOB AND LOOK  
13 AT DOCUMENTS AND GET A GENERAL WORKING UNDERSTANDING OF  
14 THE CLIENT THAT HE OR SHE IS WORKING FOR. THOSE DOCUMENTS  
15 WERE THERE. THEY WERE IN OUR OFFICE. THEY WERE  
16 ACCESSIBLE TO MR. PYNES.

17 BY MR. ADREANI:

18 Q. YOU'RE NOT AWARE OF MR. PYNES EVER LOOKING AT A  
19 WORKERS' COMPENSATION CLAIMS MANUAL, ARE YOU, FOR LIBERTY  
20 MUTUAL?

21 A. I DON'T KNOW IF HE DID OR HE DIDN'T.

22 Q. HERE IN THE MIDDLE SENTENCE OF YOUR DECLARATION,  
23 I'M GOING TO READ THE SENTENCE FOR THE RECORD, YOU STATE  
24 "WHILE REPRESENTING LIBERTY, CRAIG PYNES WAS INVOLVED IN  
25 THE REVIEW OF LIBERTY'S CLAIM FILES AND/OR CLAIM MANUALS,

DEPOSITION OF LISA KRALIK HANSEN

1 WRITTEN DISCOVERY, MEDIATION AND STRATEGY DISCUSSIONS,  
2 DOCUMENT PRODUCTIONS (INCLUDING ANALYSES OF PRIVILEGED  
3 MATERIALS) AND THE PREPARATION OF LEGAL MEMORANDA."

4 DO YOU SEE THAT?

5 A. YES.

6 Q. OKAY. NOW, THIS IS NOT -- STRIKE THAT.

7 WHEN YOU SAY -- WHEN YOU DECLARE HERE THAT  
8 MR. PYNES WAS INVOLVED IN THE REVIEW OF CLAIM MANUALS,  
9 YOU'RE NOT TALKING ABOUT WORKERS' COMPENSATION CLAIM  
10 MANUALS, ARE YOU?

11 A. IT DEPENDS AT WHAT POINT IN TIME IS INVOLVED IN A  
12 PARTICULAR CASE.

13 IF A CASE GOES BACK IN TIME, DEPENDING ON THE  
14 TIMING OF THE CLAIM INVOLVED, IT'S MY RECOLLECTION THAT AT  
15 SOME POINT IN TIME LIBERTY MUTUAL DID NOT HAVE A SEPARATE  
16 WORKERS' COMPENSATION CLAIMS MANUAL AND THAT THAT WAS PART  
17 OF A MULTIVOLUME SERIES OF CLAIM MANUALS WHICH WERE  
18 ACCESSIBLE, PRODUCED PURSUANT TO PROTECTIVE ORDER IN A  
19 NUMBER OF CASES.

20 MY RECOLLECTION IS THAT AT A LATER POINT IN TIME  
21 THERE WOULD HAVE BEEN A SEPARATE OR A MORE SPECIFIC  
22 WORKERS' COMPENSATION CLAIM MANUAL FOR LIBERTY MUTUAL.

23 Q. WELL, YOU'RE SAYING HERE THAT HE DID. THIS IS  
24 NOT YOU SAYING IN THIS SENTENCE THAT HE HAD ACCESS TO OR  
25 THAT HE MAY HAVE DONE THIS. YOU'RE SAYING HE DID, THAT HE

DEPOSITION OF LISA KRALIK HANSEN

1 WAS INVOLVED IN REVIEWING CLAIM MANUALS.

2 A. ABSOLUTELY HE WAS.

3 Q. OKAY. BUT THESE WERE NOT WORKERS' COMPENSATION  
4 CLAIMS MANUAL THAT HE WAS ACTUALLY INVOLVED IN REVIEWING,  
5 WERE THEY? AND --

6 A. IT COULD HAVE BEEN, DEPENDING ON THE TIMING OF  
7 THE VERSION OF THE CLAIM MANUAL INVOLVED IN THE PARTICULAR  
8 CASE.

9 Q. WELL, LET'S REFRESH YOUR RECOLLECTION WITH YOUR  
10 TESTIMONY THAT MR. PYNES WORKED THERE IN 2003, 2004. DOES  
11 THAT REFRESH YOUR RECOLLECTION AS TO WHETHER OR NOT THERE  
12 WERE SEPARATE CLAIMS MANUALS FOR WORKERS' COMPENSATION AND  
13 OTHER LINES OF INSURANCE?

14 MR. SKOCYPEC: OBJECTION. UNINTELLIGIBLE.

15 THE DEPONENT: IT DOESN'T REFRESH MY  
16 RECOLLECTION. IT WOULD DEPEND ON THE SPECIFIC TIMING OF  
17 EACH CASE. WE HAD A LOT OF CONSTRUCTION DEFECT MATTERS IN  
18 OUR OFFICE AND THOSE CAN GO BACK -- THOSE GO BACK INTO THE  
19 '90S AS OF 2003.

20 BY MR. ADREANI:

21 Q. YOU'RE NOT AWARE OF MR. PYNES EVER LOOKING AT A  
22 WORKERS' COMPENSATION CLAIMS MANUAL, ARE YOU?

23 A. I HAVE NO PERSONAL KNOWLEDGE THAT MR. PYNES WOULD  
24 HAVE INDEED REVIEWED A CLAIMS MANUAL SPECIFIC TO WORKERS'  
25 COMPENSATION, BUT HE DID REVIEW CLAIMS MANUALS.